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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Civil defence forces

Report of the Secretary-General submitted pursuant to Commission on Human Rights resolution 1993/54

GE.94-10534 (E)

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Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/54, entitled "Civil defence forces". In that resolution, and with reference to the report on the subject submitted by the Secretary-General pursuant to Commission resolution 1992/57 (E/CN.4/1993/34), the Commission, noting that the formation of civil defence forces appeared to be on the rise worldwide, particularly in areas of conflict, and recognizing that action by civil defence forces had in some cases jeopardized the enjoyment of human rights and fundamental freedoms, while also recognizing that there might be a need for the establishment of civil defence forces in exceptional circumstances, the Commission reaffirmed the obligation of States to promote universal respect for, and observance of, human rights and fundamental freedoms, noted the responsibility of individuals to strive for the promotion and observance of human rights, and stated its awareness of the necessity for further examination of the question of civil defence forces by specialized bodies. Further to these considerations, the Commission requested the Secretary-General to prepare, within the existing resources, and to submit to the Commission on Human Rights at its fiftieth session a report containing a summary of any additional information and comments received concerning civil defence forces and their relation to the protection of human rights and fundamental freedoms.

2. In accordance with the request of the Commission, the Secretary-General addressed himself, by notes verbales dated 3 September 1993, to States Members of the United Nations which had not responded to his 24 July 1992 request for information on the subject; in particular, the Secretary-General sought information on relevant legislation. The Secretary-General also addressed himself by letters dated 17 September 1993 to a selection of intergovernmental and non-governmental organizations.

3. To date, the Secretary-General has received responses from the following States Members of the United Nations: Botswana, Cape Verde, Croatia, Cyprus, Denmark, Honduras, India, Jordan, Kazakhstan, Nepal, Peru, the Russian Federation, San Marino, Saudi Arabia, Senegal, Tunisia and Ukraine. The Secretary-General also acknowledges the responses to his notes verbales of 24 July 1992 from the Governments of Cameroon and the Islamic Republic of Mauritania which were received early in 1993, but could not be recorded in his report to the forty-ninth session of the Commission. These responses, therefore, should be read in conjunction with those previously received from Member States as contained in the Secretary-General's report of 28 January 1993 (see E/CN.4/1993/34, paras. 5-11). In addition to the responses received from Member States, the Secretary-General received information from the following intergovernmental and non-governmental organizations: the Inter-American Commission on Human Rights, Amnesty International, and Human Rights Advocates. This information, together with the responses from Member States, is summarized in chapter I.

4. In connection with paragraph 3 of resolution 1993/54, in which the Commission invited the special rapporteurs and working groups concerned to continue to pay due attention within their mandates to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms, the Secretary-General wishes to recall the considerations on this

subject of the Working Group on Enforced or Involuntary Disappearances (see E/CN.4/1992/18, paras. 378-381; E/CN.4/1992/18/Add.1, paras 79, 80, 110-114 and 204 (m); and E/CN.4/1991/20/Add.1, paras. 25, 29, 30, 41-49, 126, 163-165 and 168 (b) and (d)). In addition, the Secretary-General wishes to draw attention to recent observations of the Special Rapporteur on extrajudicial, summary or arbitrary executions which are reproduced in chapter II below.

I. SUMMARY OF RESPONSES RECEIVED BY THE SECRETARY-GENERAL

A. Responses received from Governments

5. The responses received from States Members of the United Nations may be divided into three groups: (i) those which reported having no such forces; (ii) those which reported having no such forces, but provided legislation relating to law enforcement in general and/or public emergencies and natural disasters affecting the civilian population; and (iii) those which reported on the existence of such forces within their jurisdictions.

6. The sole exception to the above classification of responses was that of India which reported that civil defence in that country "is not a 'Force' at all [but] is primarily a non-uniform voluntary organization ... designed to operate during hostile attack with the following aims and objects: (a) to save life, (b) to minimize damage to property, and (c) to maintain continuity of production. In peace time, it generally does not play any role."

7. In the first group noted above, Nepal and San Marino reported that they had no forces as contemplated in Commission resolution 1993/54. Jordan, the Islamic Republic of Mauritania, Senegal and Tunisia reported that they had no civil defence forces functioning outside the official organs of the State charged with the responsibility of law enforcement and/or national defence. Nepal and Senegal also reported that they had no laws for the establishment of such forces as those referred to in resolution 1993/54. Cape Verde reported that it had neither forces nor law on the matter, but was in the process of drafting relevant legislation. For its part, Honduras reported that it had neither forces nor law relating to civil defence forces in the sense of resolution 1993/54, but that such forces had once been created in the country during its July 1969 armed conflict with El Salvador; on that occasion, such forces had been created spontaneously in order to protect against attacks or sabotage directed against civil installations of strategic importance. Honduras further reported that a similar system of public protection had also been improvised in response to the natural disaster caused by Hurricane Fifi in 1974, and that a Permanent Committee for Contingencies now existed to respond to such exceptional circumstances.

8. In the second group noted above, Botswana reported that it had no such forces as those referred to in resolution 1993/54 and that matters of law enforcement and national defence were regulated, respectively, through police forces operating under the Police Act (Cap. 21.01) and defence forces operating under the Defence Force Act (Cap. 21.05). In responding to the Secretary-General's enquiry on the subject of civil defence forces, Cameroon referred to its obligations under the four Geneva Conventions of 12 August 1949, the two Additional Protocols thereto of 8 June 1977, together with Law No. 86/16 of 6 December 1986 (JO.RU 1987; No. 24; p. 2988) concerning

the general reorganization of civil protection; with regard to its practice, two principal bodies which were not official organs of State charged with law enforcement were engaged in the protection of human rights and fundamental freedoms: the Cameroon Red Cross and the National Commission on Human Rights and Freedoms. In referring to their laws on natural disasters and public emergencies, Cyprus drew attention to its Civil Defence Law of 1964-1988 and the related General Regulations of 1966-1982; Kazakhstan drew attention to Governmental Decrees of 1991 and 1992 under which the independent State Commission on Emergency Situations was constituted, organized and functioned in connection with regulations articulated under five Governmental Regulations, one Decree of the Supreme Soviet [Council] of Kazakhstan and one Presidential Decree; and Ukraine drew attention to its Law on The Civil Defence of Ukraine. Denmark stated that it had adopted a new act, the Preparedness Act, on 23 December 1992 (replacing its previous Civil Defence Act of July 1982) which had regulated matters concerning the protection of the civilian population under emergency situations such as natural disasters. With a similar reference to public emergencies, Croatia reported that it was preparing a law on the system of protection of people, property and environment.

9. In the third group noted above, Peru, the Russian Federation and Saudi Arabia reported as follows.

10. The Government of Peru emphasized the need to protect the civilian population, particularly in rural and native communities, against terrorist acts. In that context, many communities had organized their own self-defence committees. While serving an important need in the present day, those formations were said to have historical and cultural bases in the mountain and jungle regions of Peru. Similarly, the formation of civil defence patrols (rondas campesinas) was said not to be a new phenomenon, but had traditionally existed in order to protect the property and population of rural communities; in modern times, the patrols defended their communities against terrorists and also assisted with community development. While the patrols generally concentrated on matters of security and defence, the Self-Defence Committees acted on the political and social levels, emphasizing development. They had enjoyed considerable success in achieving their objectives, primarily because they had a good knowledge of the territory where terrorists were active, they were familiar with local customs and they spoke the local languages. In addition, the self-defence committees and the patrols had had a positive effect in urban areas where urban patrols (rondas urbanas) had been organized in order to help protect the most vulnerable populations, such as children, in the fight against drug-traffickers and also in order to assist these populations with development activities of a civil and social character. In recognizing and supporting the efforts of those popular organizations, the Government of Peru had promulgated the following laws: (i) Law No. 24571, which provided official recognition to the rondas campesinas, pacíficas, democráticas y autónomas; (ii) Decree Law 740 on the Possession and Use of Arms by the rondas campesinas, which allowed for the use of arms with the previous authorization of the Joint Command of the Armed Forces; (iii) Decree Law 741, which provided official recognition to the self-defence committees; and (iv) Supreme Decree 077/DE-92 approving the Regulations on the Organization and Functions of the Self-Defence Committees authorized under the Joint Command of the Armed Forces. As a result of that legislation, the

Government reported, there were approximately 4,732 such committees recognized in Peru, with about 370,000 members. As for the "Montoneros" which Amnesty International mentioned in its report AI INDEX: AMR 46/56/91 of November 1991 (see also E/CN.4/1993/34, para. 15), the Government denied completely the existence of such groups.

11. The Government of the Russian Federation reported that the Russian Constitution prohibited "the creation of power structures and illegal armed forces not provided for by the Constitution and laws of the Russian Federation" (art. 7, para. 2). Therefore, the formation of civil defence forces acting independently of State bodies and not under their jurisdiction was illegal under Russian legislation even in extraordinary circumstances. Nevertheless, two groups of the nature of those referred to in Commission resolution 1993/54 existed. The first group was legally formed as part of the restoration of the Cossacks' traditional system of self-administration as a result of the Decision of 16 July 1992 of the Supreme Soviet of the Russian Federation entitled "Rehabilitation of the Cossacks" and the 15 March 1993 Decree of the President of the Russian Federation on the "Reform of military structures and frontier and internal military forces on the territory of the northern Caucasian region of the Russian Federation and State support for the Cossacks". As a result, "voluntary non-military institutions within Cossack territorial communal self-administering bodies" had been created to participate, inter alia, "in civil and territorial defence activities, disasters and emergency situations". The second group was composed of "illegal armed and paramilitary formations" which had emerged in certain regions, "particularly areas of conflict between various nationalities". Those groups were identified as either "socio-political organizations ... of an extremist nature" or formations under "individual territorial authorities which exceed their constitutional powers". The Government noted that the "activities of such illegal formations may well threaten - and are indeed threatening - the enjoyment of human rights and fundamental freedoms". In an attempt to respond to that problem, the President of the Russian Federation had promulgated the Decree of 13 January 1993 on measures to exercise greater control over the formation and activities of such groups and, in particular, to ensure that unconstitutional "paramilitary groupings and armed formations are brought to justice". In response to the inter-ethnic conflict in North Ossetia and Ingushetiya, the Supreme Soviet of North Ossetia had taken the decision to create its own republican guard and a people's militia; however, in a decision of 13 January 1993 of the Presidium of the Supreme Soviet of the Russian Federation had found those formations unconstitutional and therefore invalid. The Government reported that it had as yet been impossible to resolve completely the problem of illegal armed formations acting under the guise of self-defence forces in certain regions of Russia, but the consolidation of democratic Russian legality following the Russian parliamentary elections of 12 December 1993 and the adoption of the new Russian Constitution would help to solve that problem.

12. The Government of Saudi Arabia reported as follows: "In accordance with article 27 of the Basic Order of the Government of Saudi Arabia the State protects human rights and the responsibilities of its civilian defence forces is entrusted with the State security institution and in accordance with Islamic legislation."

B. Response received from the Inter-American Commission on Human Rights

13. The Inter-American Commission on Human Rights contributed substantive information to the report of the Secretary-General on civil defence forces which was submitted to the Commission on Human Rights at its forty-ninth session (see E/CN.4/1993/34, para. 13). In response to the Secretary-General's letter dated 17 September 1993, the Inter-American Commission on Human Rights submitted a copy of its Fourth Report on the Situation of Human Rights in Guatemala (OEA/Ser.L/V/II.83, Doc. 16 rev. of 1 June 1993), and also a copy of its Press Release No. 18/93 of 10 September 1993, issued in Guatemala City upon the conclusion of the Commission's visit to that country. Both the press release and the report address the problem of civilian self-defence patrols (patrullas de autodefensa civil) or, as they are now reported to be called, voluntary civil self-defence committees (comites voluntarios de autodefensa civil).

14. According to the Fourth Report on the Situation of Human Rights in Guatemala, patterns of violence whereby the right to life and humane treatment are violated may be classified into two major groups, one of which arises from "the illegal action of the self-defence patrols" (p. 39). Chapter VI of that report is devoted to a description of these forces and their evolution over the past dozen years since their creation under "the de facto military regime headed by General Efrain Rios Montt in late 1981" (pp. 53-61). The report also comments on the practice of enforced recruitment into the Civilian Self-Defence Patrols (p. 52), the consequences of refusing participation in such patrols (p. 54), and the remilitarization of the countryside through the reconstitution and expansion of civil defence forces under the rubric of Voluntary Civilian Self-Defence Committees since August 1992 (pp. 54-60). Several statements and complaints on these issues received by the Inter-American Commission are briefly summarized in the report. In relation to mass graves thought to be the burial sites of some of the 45,000 Guatemalans said to have "disappeared" or the 100,000 said to have been killed by security forces or civil patrols between 1960 and 1991, a testimony is recounted attributing responsibility to a civil patrol for the execution and burial in a mass grave of a dozen civilians from San José Pachoj (p. 45).

15. By way of conclusions, the Inter-American Commission on Human Rights states in the above-mentioned report that, in general, "the creation of unregimented and undisciplined security forces, without the kind of structure, training and internal and external supervision that all forces of law and order must have, engenders conflict and human rights violations" (p. 60). With respect to the specific situation in Guatemala, the Inter-American Commission made the following observation:

> "The tragic and ongoing human rights violations that can be traced to the existence and nature of militarized civilian patrols prompts the Commission to recommend to the Guatemalan Government that they immediately be disbanded and that a fully organized and professional police force be created, one answerable to civilian authorities, reasonably well paid, and trained to perform their duty to protect the security and tranquillity of the people, with full respect for human rights and Guatemalan law." (p. 60)

C. Responses received from non-governmental organizations

1. Response received from Amnesty International

16. Amnesty International contributed substantive information to the report of the Secretary-General on civil defence forces which was submitted to the Commission on Human Rights at its forty-ninth session (see E/CN.4/1993/34, paras. 14-16). In its response to the Secretary-General's letter dated 17 September 1993 Amnesty International drew attention to references to the use of civil defence forces in nine of its recent (November 1992 to October 1993) reports concerning the following countries: Colombia, Guatemala, Haiti, Sudan, Turkey and Zaire.

17. The following civil defence forces, of the kind mentioned in Commission resolution 1993/54, are specifically referred to in the Amnesty International reports:

Colombia — Some 140 unnamed "paramilitary organizations", "civilian 'self-defence' squads" (as provided under Law 48 of 1968) and "popular militias" (AI INDEX: AMR 23/46/93 of August 1993, passim);

Guatemala — Patrullas de Autodefensa Civil (PAC - Civil Defence Patrols; see AI INDEX: AMR 34/08/93 of March 1993, pp. 1-2), and "civil defence patrols" and "military commissioners" described, respectively, as "civilian auxiliaries of the armed forces" and "civilian agents of the army, serving under army discipline", together with Voluntary Civil Defence Committees (AI INDEX: AMR 34/17/93 of May 1993, especially pp. 1-3, 9-12, 36 and 38);

Haiti — "Attachés", described as "armed civilian auxiliaries to the security forces" (AI INDEX: AMR 36/25/93 of October 1993, pp. 1 ff.);

Sudan — The "Popular Defence Force", described as "a government created militia", and "informal militia created among Arab pastoralists" (AI INDEX: AFR 54/29/93 of 29 September 1993, in particular pp. 3-4, 6-7, 10-11, 14 and 16);

Turkey — "Village guards", described as "a civil defence force organized and paid by the Government to fight PKK guerillas" (AI INDEX: EUR 44/64/93 of July 1993 passim and AI INDEX: EUR 44/73/93 of September 1993, pp. 2-3);

Zaire — The Guarde civile, described only as a "paramilitary" formed in 1984 (AI INDEX: AFR 62/11/93 of 16 September 1993, p. 2).

2. Response received from Human Rights Advocates

18. Human Rights Advocates contributed substantive information to the report of the Secretary-General on civil defence forces which was submitted to the Commission on Human Rights at its forty-ninth session (see E/CN.4/1993/34, paras. 17-21). In response to the Secretary-General's letter dated 17 September 1993, Human Rights Advocates, in conjunction with the University of San Francisco Refugee/Human Rights Law Clinic, again submitted a report concerning the problem of civil defence forces in Guatemala. The 26-page submission is divided into five sections, the second to fourth of which address, successively, the "need" for civil defence forces in Guatemala (pp. 3-6), the way in which such forces "continue to jeopardize the enjoyment of human rights and fundamental freedoms" (pp. 6-21), and how "President de León has failed to honour his previous commitment to disband the civil patrols" (pp. 22-23). The report is prefaced by an introductory section (pp. 1-3) which, inter alia, draws attention to Commission on Human Rights resolution 1993/88 of 10 March 1993, entitled "Assistance to Guatemala in the field of human rights", and cites the Commission's exhortation to the Government of Guatemala "to continue to apply the Independent Expert's recommendations, including the abolition of the system of civil self-defence committees and other paramilitary groups". The report's conclusions are presented in a fifth section (pp. 24-26).

19. With respect to the "need" for civil defence forces in Guatemala, Human Rights Advocates argue that such forces are not needed. In coming to this conclusion, it notes that the exceptional circumstances of July 1982, which were invoked by the Government in justifying the creation of the forces, ceased to exist as of the end of 1983. Moreover, the report stresses the fact that, whatever emergency situation may have warranted the creation of civil defence forces, these forces have caused Guatemalans to suffer violations of several fundamental and non-derogable rights (p. 4).

20. The third section of Human Rights Advocate's report details allegations of human rights violations committed by civil defence forces in Guatemala. These allegations relate to violations of the following rights and freedoms: the rights to life, liberty and security of person; freedom from torture; freedom from slavery, servitude, compulsory labour and forced association; freedom of thought, conscience, religion and opinion; the right to equality, freedom from discrimination and equal access to the judicial system; and freedom of movement. A final subsection asserts a special need to protect children who are said to be "routinely exploited and abused by being forced to serve in the Civil Patrols" (p. 21).

21. The fourth section of Human Rights Advocate's submission examines how President de León has "categorically embraced" the existence and use of civil defence forces since coming to office. By way of providing references for this assertion, a survey of the international press is briefly summarized.

22. In its conclusions, Human Rights Advocates reiterate its 1992 determination that "the Guatemalan civil patrol system continues to systematically violate not only domestic law, but also many of the basic human rights guaranteed to all people" (p. 24). The call made by Human Rights

Advocates in 1992 to the Commission on Human Rights "to do everything possible to hasten the abolition of the Guatemalan Civil Patrols" is similarly repeated (p. 25).

II. RECENT CONSIDERATIONS OF THE SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

23. In his annual report to the Commission on Human Rights (E/CN.4/1994/7, paras. 719 and 720), the Special Rapporteur addresses the problem of civil defence forces, as encountered by him in relation to several countries, in the conclusions and recommendations of his report and under section D, "Issues of special interest to the Special Rapporteur", as follows:

> "719. In several countries, civilians, particularly in rural and/or remote areas, have formed groups of self-defence in situations where they feel that their lives or property are threatened. While such threats may emanate from common criminality, for example cattle thieves, civil defence forces are frequent in areas where armed opposition groups operate. Often, they are supported or even set up by the security forces and integrated into the Governments' counter-insurgency strategy. This was reported to be the case, for example, with the Bangladesh Rifles and Ansar Guards in Bangladesh; the civil self-defence patrols (PAC) in Guatemala, the rondas campesinas and comités de defensa civil in Peru; the Citizen's Armed Forces Geographical Units (CAFGUs) in the Philippines; or the Kontrgerilla and Village Guards in Turkey. The Special Rapporteur received numerous reports about extrajudicial, summary or arbitrary executions committed by members of such groups, either in cooperation with units of the security forces or with their acquiescence. With very few exceptions, they were said to enjoy impunity for their actions. Often, the victims of such killings were said to be peasants suspected of being members or sympathizers of the armed opposition because they refused to join the, ostensibly voluntary, civil defence groups.
>
> "720. The Special Rapporteur appeals to the Governments of all countries where such civil defence structures exist to ensure full respect of human rights by the members of these groups. In particular, they should be trained to act in conformity with the restrictions on the use of force and firearms for law enforcement officials. All arms used by such groups, particularly if provided by the military, should be registered and their use subjected to strict control. All abuses should be punished, and effective measures should be taken to prevent their occurrence. Furthermore, no one should be forced to participate in civil defence groups."

24. In the report submitted subsequent to his mission to Peru from 24 May to 2 June 1993 (E/CN.4/1994/7/Add.1), the Special Rapporter made the following comments and drew the following conclusion:

> "79. Civil defence groups composed of peasants and, in the rain forest, members of native tribes such as the Asháninkas, have played an increasingly important role in fighting the armed opposition groups.

"80. ... rondas campesinas are a traditional form of peasant organization with the primary aim of protecting the social and economic interests of their communities. Such traditional rondas campesinas originated in the department of Cajamarca, long before the rise of the PCP-SL [Partido Comunista del Peru "Sendero Luminoso"] and the MRTA [Movimiento Revolucionario Túpac Amaru]. They were legally recognized by the Government of Alán García Pérez in 1986: Law No. 24.751 of 6 June 1985 placed the rondas under the control of the Ministry of the Interior. They were described as organizations intended to serve the community to ensure the defence of their land, cattle and other goods and to cooperate with the authorities in the elimination of all offences. In 1991, they were entitled to possess and use weapons and ammunition, subject to previous authorization by the Armed Forces Joint Command. 21/

"81. Beginning in the mid-1980s, the army started establishing comités de autodefensa. 22/ They were legally recognized in 1991. 23/ Their declared purpose was to exercise self-defence in their communities, prevent infiltration by terrorists, defend themselves from the latter and support the Peruvian Army and the police. These self-defence committees were placed under the control of the political-military commands. 24/ Military or police authorities were entrusted with the task of counselling, supporting and controlling the comités de autodefensa.

"82. It is under the Government of President Fujimori that civil defence patrols are said to have spread to all the major areas of conflict. Many of the comités de autodefensa were said to have been set up under compulsion and even threats, while others were formed voluntarily and have actively sought the assistance of the security forces. The military provides them with arms and ammunition.

"83. Full military authority over both rondas campesinas and comités de autodefensa was conferred on the army through Supreme Decree 002-93-DE/CCFFAA of 16 January 1993, which provided that the organization and functions of the rondas was to follow the rules established for comités de autodefensa and subjected both types of self-defence groups to military control. By the same decree, autonomous rondas were declared illegal. As the President of the Armed Forces Joint Command pointed out to the Special Rapporteur, the rondas campesinas are now viewed as the army's main ally in fighting the insurgency.

"84. The Special Rapporteur has received numerous reports of violations of the right to life in the context of these civil defence groups. Ronderos are said to have been responsible for extrajudicial executions, which were carried out either in cooperation with or in the company of patrols of the security forces; by the ronderos on their own, but under the strategic, tactical and operational orders of the security forces; or with the support or acquiescence of the security forces. Those targeted are often peasants who refuse to collaborate and are therefore viewed as members or sympathizers of the PCP-SL or the MRTA. The latest example of extrajudicial executions by ronderos, recently brought to the attention of the Special Rapporteur, is the killing on 10 September 1993 in Delta, Pichanaqui, of 10 settlers, reportedly by a local comité de autodefensa linked to the army's command structure ...

"85. The increased militarization of the rondas is said to contravene their original aims which included aspects of social and economic cooperation within the community. Some civil defence groups that demanded social and economic reinsertion as well as recognition of their rights as ethnic minorities, such as the Asháninkas in Satipo and Río Tambo or the ronderos of Tulumayo, were reportedly accused by the military of affinity with the PCP-SL. Fears have been expressed that their increased militarization may eventually convert civil defence forces into another factor contributing to the spiral of violence in Peru. The distribution of arms to participants in self-defence groups constitutes a danger in this regard. The Special Rapporteur is also concerned that, since control over peasant self-defence groups was conferred by law on the military, non-governmental human rights associations which had provided legal counselling to the rondas campesinas have been banned from continuing to collaborate with them, although, as was pointed out to the Special Rapporteur, the peasants themselves had requested their continued cooperation.

...

"118. The Special Rapporteur is concerned at reports about human rights violations, including extrajudicial, summary or arbitrary executions, committed by the rondas campesinas and comités de autodefensa linked to the security forces. In this context, he wishes to stress the following:

(a) Nobody should be forced to participate in peasant self-defence groups. Acts of reprisal against those who refuse to take part in such groups, such as extrajudicial killings, death threats or any other act of harassment and intimidation by members of the security forces or ronderos, must be subjected to an independent and impartial investigation with a view to clarifying the circumstances, identifying and prosecuting those responsible and providing compensation to the victims or their families;

(b) Social and economic aspects of the rondas campesinas as traditional forms of peasant organization should be respected and promoted. Members of both rondas campesinas and comités de autodefensa should receive instruction with regard to the restrictions on the use of force and firearms, in conformity with relevant international instruments. The distribution of weapons and ammunition must take place under strict control and be restricted to a minimum, so as to avoid escalating the violence;

(c) Non-governmental human rights organizations should be permitted to continue to collaborate with rondas campesinas and provide them with legal counselling and other services.

"21/ Decreto Ley No. 740.

22/ However, the Special Rapporteur has received reports according to which the undertaking by peasants of explicit operations for the security services, in particular, the army, dates back to early 1983 and coincides with the establishment of emergency zones under political-

military command. There are indications that the first documented massacre involving extrajudicial executions, the killing of eight journalists by peasants in Uchuraccay in early 1983, was carried out by peasants on the direct orders of the army. As in most other cases of alleged extrajudicial, summary or arbitrary executions, those responsible have never been brought to justice.

23/ Decreto Ley No. 741.

24/ Decreto Supremo 077/DE-92."